

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1-13 are pending in this application. Claims 6-13 have been withdrawn from consideration. Claim 1 has been amended to even better clarify the present invention without the introduction of any new matter.

The outstanding Official Action includes a rejection of Claims 1-3 and 5 under 35 U.S.C. §102(b) as being anticipated by Takashi (JP 1267617) and a rejection of Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Takashi.

Initially, it is noted that as no new search or examination is required relative the presently added Claim 1 clarifying modifications, it is submitted that entry of the amendment is in order.

Before turning to the outstanding prior art rejections, it is believed that a brief review of the present invention would once again be helpful. In this regard, a first aspect of the present invention is concerned with a liquid crystal display having a gate electrode line that is formed on an insulating substrate with a source electrode line that includes a source electrode portion that intersects with the gate electrode line over an insulating film. A thin film transistor is located in the vicinity of a portion in which the gate electrode line is intersected by the source electrode line and there are two drain electrode lines that include drain electrode portions of the thin film transistor. The drain electrode lines are connected with a pixel electrode while the portions of the drain electrode lines forming the two drain electrodes have a near side that is facing and in parallel with a source electrode that overlaps the gate electrode line while a far side thereof that is opposed to and in parallel with the near

side does not overlap the gate electrode line. The arrangement reduces the capacitance between the drain electrodes and the gate electrode line.

With regard to the amendments to independent Claim 1, this amendment clarifies the difference between the claimed subject matter and anything reasonably taught or suggested by Takashi. In this respect, it is clear that this references does not disclose or suggest drain electrodes having the near sides thereof opposed to a source electrode superimposed over a gate electrode with the far sides of each drain electrode opposed to the near side not being superimposed over the gate electrode. In order to even better emphasize the claimed arrangement of the drain electrodes, the near sides “opposed to” language has been changed to now recite that the two drain electrodes have a near side “facing in parallel with” the source electrode, and that this near side is superposed with the gate electrode. The far side “opposed to” language has also been changed to make it absolutely clear that this side is in parallel with the near side and not superposed with the gate electrode.

The sketch attached to the outstanding Action appears to unreasonably suggests an interpretation of the same side of the Takashi drain electrodes 102 as being both the Claim 1 recited “near side” of the drain electrodes (that must be facing in parallel with the source electrode while being superposed with the gate electrode) and the Claim 1 “far side” of the drain electrodes (that must be opposed to and in parallel with the near side and not superposed with the gate electrode). However, it is clearly unreasonable to interpret the Claim 1 recited “near side” and “far side” as if they are merely different parts of exactly the same side as seemingly done here.

Contrary to this apparent sketch interpretation, “opposed,” “near” and “far” were clearly words in Claim 1 that described different concepts as to different sides of the drain electrodes, and not simply different portions of the same side of the drain electrodes. In this respect, it is well established that all words in a claim must be considered in judging the patentability of such a claim against the prior art, see In re Wilson, 165 USPQ 494, 496 (CCPA 1970). Thus, it was clearly improper to ignore that different “near” and “far” sides were and are recited, and that Claim 1 recited the “far side” must be “opposed to the near side.”

In any event, the clearly improper reading of different “near” and “far” sides as being separated parts of a common side is now impossible. This is because such parts of a common side cannot be interpreted to form a near side “facing in parallel with” the source electrode and superposed with the gate electrode while also forming a far side that must be opposed to and in parallel with the near side.

Furthermore, it is clear that each of the Takashi drain electrodes 102 would be understood by the artisan to form a four sided rectangle as viewed in relied upon FIG. 1. The relationships between the sides of such a rectangle are well understood by the artisan and others having a basic understanding of geometry. Thus, the artisan would view the rectangles 102 of the Takashi drain electrodes as having two pairs of opposed or opposite sides that are parallel with each other and two pairs of adjacent or adjoining sides that form the right angles of the rectangles. As the plain meaning of the words in the claims must be used as the artisan would understand them, see In re Morris, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997) (“[T]he PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the

words in their ordinary usage as they would be understood by one of ordinary skill in the art"), it is clear that a "far side opposed to and in parallel with the near side" can only be reasonably interpreted to plainly refer to opposite sides of rectangle 102, not opposite ends of one side or two of the adjacent sides forming right angles as suggested by the above noted sketch

Thus, to the extent that the sketch attached to the outstanding Action was perhaps attempting to suggest that two adjacent sides of each illustrated drain electrode (that meet at a right angle) can be reasonably read as the claimed "near side" and separate "far side" of the drain electrodes, such a reading is also impossible. Again, this impossibility arises because of the claimed requirement that these sides must be in parallel with each other while the near side must also be in parallel with the source electrode.

Accordingly, as Takashi fails to disclose the claimed drain electrodes having a near side that is superposed with the gate electrode and that faces and is parallel with the source electrode and a far side opposed and in parallel with the near side that is not so superposed, the rejection of Claims 1-3 and 5 under 35 U.S.C. §102(b) as being anticipated by Takashi is traversed.

Turning to the obviousness rejection applied to Claim 4, the rejection offers an unsupported conclusion as to what is conventional in film transistor manufacture. However, this mere conclusion is not supported by any evidence of record. Such an unsupported conclusion is clearly improper in light of recent court decisions such as In re Lee, 61 USPQ2d (Fed. Cir. 2002), as noted in the last response. Thus, as the required lack of supporting evidence for the mere assertion of what is merely alleged to be conventional

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knowledge in the art was pointed out in the Amendment filed December 31, 2002, the outstanding Office Action violates established precedent in failing to produce evidence to support the clearly erroneous assertion of conventionality. In this last regard, the court in In re Zurko, 59 USPQ2d 1693, 1697-98 (Fed. Cir. 2001) noted the following:

This assessment of basic knowledge and common sense was not based on any evidence in the record and, therefore, lacks substantial evidence support. . . . With respect to core factual findings in a determination of patentability, however, the Board cannot simply reach conclusions based on its own understanding or experience — or on its assessment of what would be basic knowledge or common sense. Rather, the Board must point to some concrete evidence in the record in support of these findings. (Emphasis added).

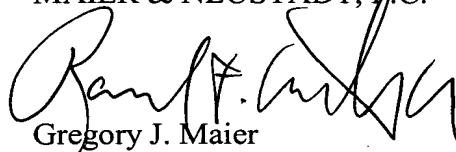
Accordingly, as the obviousness rejection applied to Claim 4 lacks the required supporting evidence needed to establish a *prima facie* case, this rejection is also traversed.

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As no further issues are believed to remain outstanding in the present application, it is believed that this application is clearly in condition for formal allowance. Consequently, an early and favorable action to this effect is earnestly and respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Gregory J. Maier", is written over the printed name.

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Docket No. 205975US2

IN RE APPLICATION OF: Takehisa YAMAGUCHI, et al.

SERIAL NO: 09/832,892

FILED: April 12, 2001

FOR: LIQUID CRYSTAL DISPLAY AND MANUFACTURING METHOD THEREFOR

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Transmitted herewith is an amendment after final rejection under 37 C.F.R. § 1.116 in the above-identified application.

- ☒ No additional fee is required
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
- ☐ Additional documents filed herewith:

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	32	MINUS	32	0	x \$18 =	\$0.00
INDEPENDENT	3	MINUS	3	0	x \$84 =	\$0.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$280 =	\$0.00
		TOTAL OF ABOVE CALCULATIONS				\$0.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment			+ \$40 =	\$0.00
		TOTAL				\$0.00

- ☐ A check in the amount of \$0.00 is attached.
- ☐ Credit card payment form is attached to cover the fees in the amount of \$0.00
- ☒ Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment form is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.



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"RESPONSE UNDER 37 CFR 1.116-
EXPEDITED PROCEDURE EXAMINING
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